

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GREGORY STARNES,

Plaintiff,

v.

No. 9:07-CV-484  
(FJS/DEP)

S. RAMINIENI, et al.,

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR PLAINTIFF:**

GREGORY STARNES, *Pro Se*  
06-R-3966  
Wallkill Correctional Facility  
Box G  
Wallkill, NY 12589

**FOR DEFENDANTS:**

HON. ANDREW M. CUOMO  
Attorney General of  
the State of New York  
615 Erie Blvd., Suite 102  
Syracuse, NY 12224

TIMOTHY P. MULVEY, ESQ.  
Assistant Attorney General

**FREDERICK J. SCULLIN, JR., S.J.:**

**ORDER**

After carefully considering the entire file in this matter, including Magistrate Judge Peebles' June 11, 2009 Report and Recommendation to which the parties have not filed any

objections; Defendants' motion for summary judgment and plaintiff's claims against defendant Jane Doe, the Court hereby

**ORDERS** that Magistrate Judge Peebles' June 11, 2009 Report and Recommendation is **ADOPTED IN ITS ENTIRETY** for the reasons stated therein; and the Court further

**ORDERS** that Defendants' motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**; and the Court further

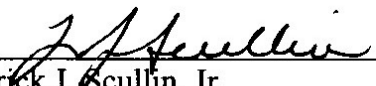
**ORDERS** that Plaintiff's claims against Defendant Jane Doe are **DISMISSED WITHOUT PREJUDICE**; and the Court further

**ORDERS** that Defendants' motion for summary judgment is, in all other respects, **DENIED**; and the Court further

**ORDERS** that this matter is referred to Magistrate Judge Peebles for a Final Pretrial Conference.

IT IS SO ORDERED.

DATED: July 7, 2009  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge